

REMARKS

The application is amended in a manner believed to place it in condition for allowance at the time of the next Official Action.

Claim 1 is amended. Claims 1-20 remain pending in the application.

The Official Action objected to the figures for being embedded in the specification. The Official Action further stated that a Brief Description of the Drawings is required in the specification.

The specification has been amended to delete the embedded figures, include a Brief Description of the Drawings, and include the figures on separate sheets. The figures are included in the Appendix of this amendment.

Therefore, applicants respectfully request that the objection to the figures in the specification be withdrawn.

Claims 2, 13, 14, and 16 were objected to for being dependent claims that were broader in scope than the independent claim.

Claim 1 is amended so as to be broader in scope than the dependent claims. Support for the amendment to claim 1 may be found generally throughout the specification.

Therefore, applicants respectfully request that the objection to the claims be withdrawn.

Claims 1-20 were rejected under 35 USC §102(b) as being anticipated by FLODIN 6,210,441 (FLODIN). Applicants respectfully disagree.

FLODIN discloses linear polyurethanes comprising polyisocyanates and esterdiols. FLODIN also discloses that the ratio of diisocyanates to esterdiols is greater than 2 in a few of the examples. FLODIN also discloses the linear polyurethanes may be used for implants.

However, FLODIN fails to disclose the recited linear block polymer formula of claim 1 with sufficient specificity for the finding of anticipation. In particular, while FLODIN may disclose in R1 derived from a diamine, an R2 derived from an aromatic diisocyanate, an R3 derived from an esterdiol, and an R4 derived from ethanolamine, FLODIN fails to disclose the linear block polymer as a formula in which $0 < y < 4$ and $z > 8$.

It is believed that a linear block copolymer as recited in the claims and having the recited values for y and z, give rise to linear block polymers having a desired biocompatibility and resistance to biodegradation.

As noted in the specification, the present invention seeks to optimize the mechanical properties in that the degradation speed for a material intended to be comprised of an implant. Several attempts have been made in order to place injured ligaments with artificial implants, with which a number of problems such as irreversible elongation and rupture of the

implants, in addition to unsatisfactory degradation, have been disclosed. In order to obtain a material which corresponds to the demands for biocompatibility and biodegradability, it is required that the individual components have the recited properties, which are believed to result from the linear block copolymer as recited in the claims and having values of y and z.

In view of the above, FOLDIN does not anticipate claims 1-20, and applicants respectfully request that the anticipation rejection be withdrawn.

FOLDIN also fails to render obvious claims 1-20. While FOLDIN may disclose parameters that approach the linear block polymers recited in the claims, it is clear from the value of elongation at break, being 70% in example 1 and 200% in example 5 of FOLDIN, the non-obvious technical effect exhibited by the recited linear block polymer in that the value of elongation at break occurs in a lower range than disclosed by FOLDIN (i.e., below 100% and 43% or below). From the examples given on page 5 and 6 of the present specification, linear block polymers of the present invention have values of elongation and break being at most 43% as shown on page 7.

As FOLDIN fails to disclose or suggest the linear block copolymer as recited in the claims and having the recited y and z value and does not disclose or suggest the optimized range of elongation at break, FOLDIN would not have anticipated or rendered obvious claims 1-20.

In view of the above, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

Philip Du Bois Reg. No. 50,696
600

Robert Madsen, Reg. No. 58,543
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

RM/mjr

APPENDIX:

The Appendix includes the following item(s):

- 4 sheets illustrative drawings
- Substitute specification and marked-up copy